

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**ORDER CLARIFYING SPEEDY TRIAL
ACT FINDINGS IN RESPONSE TO
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19**

**ADM-1
ORDER 20-10**

ORDER

This order is signed by each district judge on this court. This order is intended to clarify that each district judge on this court adopts the excludable time and “ends of justice” findings contained in the Speedy Trial Act in Order ADM-1, Order 20-5: Court Operations Under the Exigent Circumstances Created by COVID-19. This is true with respect to each individual criminal case continued due to the COVID-19 public health emergency.

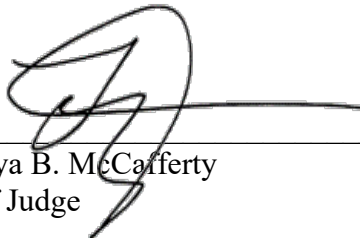
The judges on this court agree—in light of the unique circumstances presented by this public health emergency as described in ADM 1, 20-5—that issuing individual findings in each separate case would be redundant and unnecessary and a waste of scarce judicial resources. The Speedy Trial Act “ends of justice” findings in each case are—due to the nature of this public health emergency—applicable generally to all cases before this court. Thus, a particularized finding in each case would be redundant.

This order is also intended to apply retroactively to all cases previously continued. Cf. United States v. Correa, 182 F. Supp. 2d 326, 327 (S.D.N.Y. 2001) (holding that, following September 11, 2001, the court “has, and in these extraordinary circumstances should exercise, authority to make a retroactive exclusion of time in the interests of justice”).

“Except for the right of a fair trial before an impartial jury, no mandate of our jurisprudence is more important” than the Speedy Trial Act. Furlow v. United States, 644 F.2d 764, 768–69 (9th Cir. 1981) (analyzing Speedy Trial Act and upholding district court’s “ends of justice” findings during the emergency created by the eruption of Mt. St. Helens). In exercising our discretion to make these findings under the Speedy Trial Act, every judge on this court is ever mindful of the critical principles at stake here.

SO ORDERED.


Date: March 22, 2020




Landya B. McCafferty
Chief Judge

/s/ Paul J. Barbadoro
Paul J. Barbadoro
District Judge



Joseph N. Laplante
District Judge

Joseph A. DiClerico, Jr.
District Judge

Steven J. McAuliffe
District Judge